The majority of the court, however, conceding that the strict meaning of the detective's words was neither to threaten nor to promise, finds in the circumstances of the case enough to warrant the conclusion that Bram was unduly influenced. While it may be presumptuous to dispute the correctness of this view, it seems that a reasonable interpretation of the facts might lead to a different conclusion. Nothing in the surrounding circumstances can be believed to have amounted to duress. No contention is made that Bram thought himself bound under penalty to speak; his position was such that he would naturally choose to speak in answer to the questions. He did so choose; but he was entirely at liberty to say nothing. The fact that he was being searched is immaterial; for the search was not used as a means for extorting a confession. It made no difference that he thought that his statement might tell for or against him; for even an express declaration by the detective that his words would be used against him would not have vitiated the confession. *Regina* v. *Baldry*, 2 Den. C. C. 430. Neither was there anything in the circumstances to make Bram misinterpret the detective's words and see in them a suggestion of favor. The circumstances, on the contrary, would rather have tended to put him on his guard, and to disincline him to imagine a promise of favor when none was expressed. The position taken by the court, must, therefore, be regretted; for by an extreme decision the verdict of a jury after a protracted trial is set at naught because of the admission of evidency which can have had but little weight.

THE PRESENCE OF AN ACCUSED PERSON AT HIS TRIAL. — In a recent trial for burglary in one of the English Assize courts the prisoner gave an unexpected turn to affairs by suddenly leaping out of his place and endeavoring to make an assault upon the judge conducting the trial. He was seized and returned to his position, and on the following day was brought into court in fetters. He persisted, however, in conduct so vociferous and offensive that the judge finally ordered that he should be removed from the court-room and that the trial should proceed without him.

The disposition of the common law to give to those accused of crime every reasonable advantage has often been commented upon. One of the most ancient examples of this is the right of a prisoner to be present at his trial if accused of anything more than a misdemeanor. So stringent has the law been in this particular that if at any time during the trial the prisoner was absent, the trial was either absolutely dropped or at least adjourned until his return. (Foster C. L. 76; 1 Ld. Raymond, 267.) The reason that originally underlay this requirement, in the days when every felony was punishable by death, was twofold. That it was a real, tangible advantage to the prisoner to be present and see that every possible effort was made in his behalf is manifest. It was no less an advantage to the State that he should do so. While it is for its interest that crime should be punished, it is equally for its interest not to lose its citizens if good reasons could be adduced for preserving them. Under these circumstances it naturally followed that the prisoner could not, even if he chose, permit his trial to go on in his absence. The State, as an interested party, had the right to compel him to be present and do all in his power to defend himself. At the present time much of the force of these reasons has disappeared. The usual punishment for felony is no longer death, but

imprisonment. Hence, no matter how negligent the prisoner may be in his own defence, the State will not suffer the loss of one of its citizens. More than this; his defence to-day is conducted wholly by his counsel, and the influence of his presence as a factor in determining the decision of the case is insignificant. For these reasons it may be said that the absence of the prisoner must be a matter of indifference, since neither party can be prejudiced thereby. While, however, all this may be admitted as true, yet there can be little question that, as a rule of criminal procedure, the presence of the accused at his trial is, in all cases save misdemeanors, indispensable. Such being the case, it would seem that while no practical injustice would be done by the removal of a disorderly prisoner from the court-room, as a question of procedure it would be better to keep him present, putting him under whatever restraint may be necessary in order to allow the trial to continue.

A UNITED STATES BANKRUPTCY LAW. — The establishment of a federal bankruptcy law was proposed by twelve different bills introduced in the first session of the Fifty-fourth Congress. Aside from a consideration of the relative merits of these bills, the need of a uniform law of bankruptcy is apparent. It is necessary for the assistance of debtors, the protection of creditors, and the furtherance of national commercial interests. Few, indeed, deny the necessity; State bankruptcy statutes are inadequate, because they cannot under the federal Constitution deal with debts existing outside the limits of their respective States. Honest debtors, therefore, who wish to pay their creditors fairly and then to start fresh, are prevented perhaps by one obdurate creditor in another State who will not agree to the composition offered. Creditors, on the other hand, have no protection against fraudulent preferences on the part of debtors living in other States; so that from both points of view the commercial equilibrium of the nation is disturbed.

The Constitution of the United States gave Congress power to pass a national bankruptcy law; and the exercise of this power was thought as much a matter of course as the exercise of the power to establish a judicial system. The event has not equalled the expectation; and although several laws have from time to time been passed, the nation has during the greater part of its existence been without a federal law of bankruptcy. The first law was passed in 1800, only to be repealed three years later. The second act, in 1841, followed the panic of 1837–38, and was repealed thirteen months after becoming a law. The third act had a longer life; it was passed in 1867, and remained in force eleven years. In June, 1878, it was repealed; and no law has since then been enacted. These bankruptcy acts, it is to be noted, in every case came into existence in times of great financial depression. The present time also is one of depression; in fact, the depression has been the greatest that the country has known since 1874; and the immediate need of a bankruptcy law is pressing. It must not be supposed, however, that the need is temporary; hard times do not create the necessity, they merely accentuate it. The former acts were repealed because of defects in their machinery, not because when business revived they were no longer needed. The need still remains for an equitable law, perfect in its details, which may become a permanence.